

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Wallace James Beaulieu,

Civil No. 11-2593 (DWF/JFD)

Plaintiff,

v.

ORDER

Lucinda Jesson, et al.,

Defendants.

This matter was stayed over a decade ago pending the resolution of *Karsjens v. Minnesota Department of Human Services*, No. 11-cv-3659 (DWF/TNL). Judgment has now been entered in *Karsjens*, and accordingly, the stay of this matter has now been lifted.

At the time that the stay was imposed, Defendants' motion for early summary judgment (Doc. No. 12) remained pending, and that motion remains pending now that the stay has been lifted. That said, since that time that Defendants' motion for summary judgment was filed, much about the state of the law relevant to this case has changed — not least of which, judgment has been entered in *Karsjens*, a matter in which at least some of the same claims appear to have been litigated. Plaintiff Wallace James Beaulieu was a member of the class represented in *Karsjens*, and it therefore appears that the doctrine of res judicata may partly bar litigation of some of the claims raised in the complaint. Moreover, while new arguments may have become available to the

defendants, several arguments made in the motion to for summary judgment may no longer be applicable to this proceeding.

For those reasons, Defendants' motion for early summary judgment will be denied without prejudice. Defendants must file an amended motion for early summary judgment, motion to dismiss pursuant to Rule 12 of the Federal Rules of Civil Procedure, or responsive pleading within 90 days of the date of this order. Defendants are cautioned, however, that as a general matter, the filing of motions for summary judgment before the parties have been afforded an opportunity to conduct discovery is disfavored in this District, at least absent a compelling reason to deviate from that ordinary rule.

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendants' motion for summary judgment (Doc. No. 12) is **DENIED WITHOUT PREJUDICE**.
2. Defendants must file an amended motion for early summary judgment, motion to dismiss pursuant to Rule 12 of the Federal Rules of Civil Procedure, or responsive pleading within 90 days of the date of this order.

Dated: October 5, 2022

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge